

STATE PUBLIC DEFENDER[493]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender hereby gives Notice of Intended Action to amend Chapter 12, “Claims for Indigent Defense Services,” Iowa Administrative Code.

This proposed amendment will allow an attorney in an adult criminal case to submit a claim for attorney fees within 45 days after the date of the expiration of the time for appeal from the judgment of conviction. This amendment is intended to allow the attorney a fairer opportunity to timely submit a fee claim after all required services have been performed.

Any interested person may make written suggestions or comments on the proposed amendment on or before January 3, 2017. Such written comments should be sent to Kurt Swaim, First Assistant State Public Defender, Fourth Floor, Lucas State Office Building, 321 E. Locust Street, Des Moines, Iowa 50319; by fax to (515)281-7289; or by e-mail to kswaim@spd.state.ia.us.

A public hearing will be held on January 3, 2017, at 10 a.m. in Conference Room 424, Fourth Floor, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa, at which time persons may present their views orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine themselves to the subject of the proposed amendment.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Public Defender and advise of specific needs.

The agency does not believe that the proposed amendment poses a financial hardship on any regulated entity or individual.

After analysis and review of this rule making, no adverse impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 13B and 815.

The following amendment is proposed.

Amend paragraph **12.2(3)“a”** as follows:

a. Adult claims. For adult claims, “date of service” means the date of filing of an order indicating that the case was dismissed or the client was acquitted ~~or sentenced~~, the date of the expiration of the time for appeal from a judgment of conviction, the date of a final order in a postconviction relief case, the date of mistrial, the date on which a warrant was issued for the client, or the date of a court order authorizing the attorney’s withdrawal from a case prior to the date of a dismissal, acquittal, sentencing, or mistrial. The filing of a notice of appeal is not a date of service. If a motion for reconsideration is filed, the date on which the court rules on that motion is the date of service. For interim adult claims authorized by subrule 12.3(3) or 12.3(4), the date of service is the last day on which the attorney claimed time on the itemization of services.